

EXHIBIT S

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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 94 ADM-20

TO: Commissioners of
 Social Services

DIVISION: Economic
 Security

DATE: December 29, 1994

SUBJECT: Preventing Homelessness and Providing Assistance to Homeless
 Persons

SUGGESTED

DISTRIBUTION:

Public Assistance Staff
 Medical Assistance Staff
 Food Stamp Staff
 Directors of Services
 Staff Development Coordinators

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ATTACHMENTS:

Attachment - Filing References

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
See Attachment	See Attachment	See Attachment	See Attachment	See Attachment	See Attachment

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I. PURPOSE

The purpose of this directive is to advise social services districts (districts) of their responsibilities with respect to providing assistance to homeless persons and persons in danger of becoming homeless.

II. ORGANIZATION AND CONTENT

The program and policy issues presented in this directive cover a variety of subjects and items. Where appropriate, the Food Stamp (FS) and Medical Assistance (MA) implications are identified in the discussion of Public Assistance (PA). The regulations cited in this Administrative Directive (ADM) may be referred to for a more complete understanding of any given subject. This directive was developed in consultation with staff from the districts.

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III. BACKGROUND

[The problem of homelessness has grown steadily over the past several years and now is a major public policy issue, on both the national and State level. Homelessness is no longer only a temporary big city problem but is spreading throughout rural and suburban areas, and requires both short-term and long-term remedies. Not only have the

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numbers of homeless persons increased, but the characteristics of the homeless population have changed. Today's homeless include a growing number of families, especially single parent families with young children who have been evicted or otherwise displaced from their homes. In fact, the number of homeless families has increased more dramatically than any other homeless group.]

This administrative directive sets forth the benefits available to persons to assist them to retain their housing or to obtain housing when they are homeless. The Department and the districts have certain basic responsibilities concerning homeless persons. Over the past several years, the Department has implemented several measures to assist homeless persons directly and has established policies aimed at preventing and alleviating homelessness. Districts play an important role in using PA programs to preserve housing for eligible persons. Preserving housing is less costly, both in fiscal and social terms, than addressing the many and varied problems that homelessness causes.

[In addition to statutes, regulations and Department policies, each district is required to comply with all court decisions which apply to the district's policies related to homeless persons and families. Examples of such court decisions are the Callahan v. Koch and the Eldridge v. Koch cases. These cases require New York City to provide temporary housing to homeless single adult men and women provided they meet the need standard for HR or they are in need of temporary housing by reason of physical, mental or social dysfunction.]

Although no federal or State statute or regulation specifically requires that temporary housing assistance be provided to homeless persons, the Department has since 1983 required social services districts to assist eligible homeless persons. Though primarily intended as short-term emergency relief, for over a decade, temporary housing assistance in some districts has been used predominantly as a form of long-term assistance for persons made homeless as a result of economic deprivation or physical or mental impairment. The considerable resources now devoted by some districts to temporary housing assistance necessitates that the obligation placed upon districts to assist homeless persons better reflect the balance between the needs of those seeking assistance and the desire of the Department and districts to provide this assistance in a rational, cost-effective manner.

While it is a matter of critical importance to the Department that districts have the means for providing necessary assistance to the truly homeless, the general principle that individuals and families have primary responsibility for securing their own housing remains. Social services districts are neither expected nor obligated to provide temporary housing assistance to persons otherwise capable of making their own housing arrangements. Physical or mental impairment that limits a person's ability to secure housing may necessitate the provision of assistance in appropriate cases. Absent such considerations, however, the individual or family requesting assistance must clearly demonstrate that reasonable efforts have been

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made to secure housing and that no other housing can be accessed even on a temporary basis.

The requirements of this directive reflect a recognition that temporary housing resources are not unlimited and that each district is permitted to establish processes for the provision of temporary housing assistance that affords it needed flexibility in structuring its temporary housing programs. By developing standards that more specifically define eligibility for assistance, the Department has recognized that the district's ability to provide housing depends, in part, on there being an obligation on the part of individuals and families to use available resources and to seek necessary assistance to avoid homelessness whenever possible. Standards which make clear the obligations both of the district and of persons seeking temporary housing assistance will help to ensure the most appropriate and effective use of this costly yet critical benefit.

IV. PROGRAM IMPLICATIONS

Districts, as well as State entities, have certain responsibilities to provide services and assistance in an effort to prevent homelessness, to meet the temporary housing and other immediate needs of eligible homeless persons, and to assist homeless persons to secure permanent housing. Eligible homeless persons are those persons who are both homeless and eligible for PA, as described in Section V.D.4. of this ADM. Determination of their eligibility for PA is one of the major subjects of this ADM. Major district responsibilities discussed in this ADM include the following:

- A. Each district must have procedures to ensure that the emergency needs of homeless persons are evaluated and that homeless persons are advised of their rights to emergency and on-going assistance.
- B. Each district must have procedures to permit persons who are in danger of becoming homeless to notify the district of such danger and to seek the assistance of the district in avoiding homelessness. For those persons eligible for such assistance, such procedures must provide for prompt preventive efforts and intercession at the earliest reasonable indication of possible homelessness. Each district should make special efforts to ensure that an employed applicant receives such assistance in a way that helps the applicant maintain his/her employment.
- C. Each district must have procedures to ensure that homeless persons or persons in danger of becoming homeless can apply for temporary housing whenever such housing is needed. These procedures must be made known to the public. The date and time of the initial contact by the homeless person, an authorized representative, a community agency or other interested person acting on behalf of the homeless person and the reason for the homelessness, in addition to all

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information or advice provided by the district, must be recorded in the case record.

D. Each district must provide temporary housing assistance as soon as possible to eligible homeless persons who have no other available temporary or permanent housing. The district must make reasonable efforts to determine the applicant's eligibility prior to providing temporary housing assistance. It is the expectation that assistance will be provided within 48 hours of application for such assistance. In districts that operate emergency assistance units (EAUs), application for temporary housing assistance commences at the time at which the applicant appears, and is logged in, at the EAU. Any person who is determined to be eligible or ineligible for such housing must be given a written immediate need notice (DSS-4002) and be advised of the right to request an expedited State fair hearing.

E. In providing assistance to homeless persons, districts must consider the differing service needs of families and of single adults. Experience has demonstrated, for example, that homeless single adults exhibit a higher incidence of physical or mental impairment, chronic drug or alcohol use and prior incarceration or institutionalization than is found among homeless families. Factors such as these are relevant to the determination of housing needs and are appropriate considerations in the establishment by social services districts of procedures for the provision of temporary housing assistance.

F. Each district must have procedures, consistent with Section IV-A of 86 ADM-7, to identify and, where appropriate, meet the immediate food and other immediate health and safety needs of eligible homeless persons.

G. Each district must have procedures, consistent with Section IV-C of 86 ADM-7, to provide Medical Assistance (MA) to otherwise eligible homeless persons.

V. REQUIRED ACTION

A. Definition of Homeless

For PA, FS and MA purposes, a homeless person is an individual or family that is undomiciled, has no fixed address, lacks a fixed regular nighttime residence, resides in a place not designed for or ordinarily used as a regular sleeping accommodation for human beings (such as a hallway, bus station, lobby or similar place), resides in a homeless shelter, resides in a residential program for victims of domestic violence, or resides in a hotel/motel on a temporary basis. For FS purposes, a homeless person also includes an individual or family that resides in some other temporary living accommodation in the residence of another, or resides in an institution that provides a temporary residence for individuals intended to be institutionalized.

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For PA and MA purposes, a person living in the home of a legally responsible relative (i.e., the parent of a child under the age of 21 years and a spouse) is not considered homeless, even if the residency is temporary. However, in the case of a spouse, or child under 21 years of age who alleges physical, sexual or emotional abuse, the district must investigate the suitability of the home before denying temporary housing. While the concept of "legally responsible relative" does not apply to the FS Program, for FS purposes, parents and children 21 years of age or younger living together must meet the household composition requirements for separate household status, before being considered to be homeless on the basis of residing together temporarily. Spouses can never be considered to be separate FS households. Therefore, if one spouse has permanent living accommodations and the other spouse moves in temporarily, the spouse cannot be considered to be homeless.

Persons who meet any of the above criteria must be treated as homeless, in accordance with the instructions in this directive.

NOTE: Domestic violence issues are addressed comprehensively in 94 ADM-11.

Pursuant to Section 131-u of the Social Services Law and Department regulation 18 NYCRR Part 408, social services districts are required to refer victims of domestic violence to residential programs for victims of domestic violence, when available.

B. Preventing Homelessness

1. Early Intervention to Prevent Evictions

When an applicant for or recipient (A/R) of PA is faced with possible eviction or foreclosure for non-payment of rent, mortgage or taxes, a district must act promptly to assist in preventing the eviction or foreclosure, if appropriate. The district must intercede as early as is possible and appropriate. A district must not wait until a notice of eviction or foreclosure is issued. If a landlord or mortgage holder expresses, either orally or in writing, the intention to pursue legal eviction or foreclosure proceedings if rent arrears, mortgage or taxes are not paid, the district must initiate action to prevent an eviction or foreclosure, if the person or family is otherwise eligible. A district also should determine an A/R's eligibility for rent subsidies (i.e., subsidy to avoid need to place a child in foster care and subsidy to help an A/R with AIDS or HIV-related illness retain housing). If no other action, including

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relocation of the person or family or agreement with the landlord or mortgagor can prevent homelessness, the district must consider the payment of reasonable arrears, if such payment will prevent eviction or foreclosure and the A/R can meet future rental, mortgage or tax obligations (See V.B.1.d). Such payments of arrears must be made in accordance with Department regulations 18 NYCRR 370.3, 352.7, 372, 397 and 423 and Section V.D.8. of this ADM.

When reviewing an applicant's eligibility for EAF and EAA to pay rent arrears, a district must review the applicant's prior authorization, within the past 12 months, of EAF for any emergency need and EAA for shelter arrears. Department regulation 18 NYCRR 372.1(b) limits EAF authorization to once in a 12 month period. Department regulation 18 NYCRR 397.5 limits the payment of shelter arrears to once in a 12 month period, unless the social services official recommends an additional payment in this 12 month period and it is approved by this Department.

During recertification reviews, districts also should discuss with recipients whether there are any rent, mortgage or tax arrears. In this way, problems can be dealt with before they evolve into an eviction or foreclosure proceeding. Districts should explain voluntary rent restriction, if there are indications that the recipient may not be able to manage his or her grant and pay the rent on a regular basis.

a. Paying Arrears for Applicants

Concerning the payment of rent, mortgage or tax arrears to prevent eviction or foreclosure, Department regulation 18 NYCRR 352.7(g)(3) permits a district to pay arrears to an applicant to prevent eviction or foreclosure. This regulation applies to those persons who apply for assistance to meet a specific need or who apply for on-going assistance. The amounts of payments made under this regulation to applicants eligible for ADC, EAF, or recurring HR which exceed maximum shelter allowances are subject to recoupment and recovery. Any applicant who receives a shelter arrears payment and becomes a recipient of on-going PA must agree to restriction of shelter payments in accordance with Department regulation 18 NYCRR Part 381. A district must evaluate the applicant's ability to meet the on-going shelter costs in the future, (i.e., is the inability to pay rent a temporary situation or a permanent one that might

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make rehousing at a lower shelter cost a more appropriate solution). A district should assist an employable applicant to initiate or increase employment in order to pay future rent. Even if an applicant can meet shelter costs in the future, the district has the discretion to refuse to pay shelter arrears to maintain a specific housing accommodation if the applicant has sufficient income or resources to secure and maintain alternate permanent housing.

Additionally, an applicant ineligible for ADC, EAF, EAA or recurring HR (i.e., a person eligible for Emergency Home Relief [EHR] only) who meets all other requirements in 352.7(g)(3) and whose household's gross monthly income does not exceed one hundred twenty-five percent of the federal income official poverty line must sign an agreement to repay the amount of the shelter arrears payment within twelve months. If a person applies for recurring HR at the same time that he/she applies for EHR and such person cannot be assisted to obtain employment, and is determined to be eligible for recurring HR, the agreement to repay the shelter arrears payment becomes void. Only the amount of the shelter arrears that exceeds the shelter maximum is to be recouped. Subsequent shelter arrears assistance cannot be provided under EHR unless the applicant is current in the repayment of assistance. If a person who has signed such a repayment agreement becomes eligible for recurring assistance at a later date, the repayment agreement is suspended while the person is in receipt of recurring assistance. Payments for shelter arrears are not counted as income when calculating FS and MA eligibility.

b. Advance Allowances for Recipients

Department regulation 18 NYCRR 352.7(g)(4), in authorizing a district to provide an "advance allowance" to a recipient to prevent eviction or foreclosure does not limit the payment of rent, mortgage and tax arrears to the maximum shelter allowance. An advance may be provided only if the recipient requests it in writing and agrees in writing to a recoupment from future PA grants. Before providing an advance allowance, the district must investigate whether restriction of future shelter payments based on a determination of mismanagement is appropriate. Additionally, an allowance which exceeds the appropriate district

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maximum monthly shelter allowance can be made only if the recipient: (1) agrees to use all available liquid resources for the payment of shelter expenses necessary to prevent eviction or foreclosure; (2) demonstrates an ability to pay shelter expenses in the future, including amounts in excess of the appropriate district maximum monthly shelter allowance; (3) agrees to future restriction of rent or mortgage payments; and (4) has not previously received this allowance and, subsequent to receiving such allowance, requested discontinuation of restriction of the shelter payments to which he/she agreed. Advance allowances are not counted as income when calculating FS and MA eligibility.

C. Using EAA to Pay Arrears for Those Persons and Couples Determined to be Eligible for or in Receipt of Supplemental Security Income (SSI) and/or Additional State Payments.

Department regulation 18 NYCRR 397.5 (1)(3) requires a district to pay up to four months of shelter arrears or other items under EAA to prevent eviction or foreclosure, when other housing accommodations appropriate for a person's best interest are not available in the area. Although a payment of this type is limited to four months of arrears, the dollar amount of the payment is not limited to the maximum shelter allowance. Payments for shelter arrears are not counted as income when calculating FS and MA eligibility. Department regulation 18 NYCRR 397.5(a)(4), which limits the payment of shelter under EAA to the maximum PA shelter allowance, does not address the loss of shelter due to evictions. It addresses the replacement of shelter lost due to burglary, theft, vandalism or as a result of fire, flood or other similar catastrophe which could not have been foreseen by, and was not under the control of the person applying therefor.

If there is a child under 21 years of age in the household, the household's eligibility for EAF must be determined. If such household is eligible for EAF, then it should receive EAF. However, EAF may not be used to duplicate or replace PA already granted.

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d. Determining Whether Future Rent Can be Paid

For all categories of assistance, the reasonableness of the request to pay rent, mortgage and tax arrears must be evaluated when determining whether to pay the arrears. A district must use discretion when determining reasonableness. For example, if it is unlikely that the A/R can meet the continuing rental, mortgage or tax obligation, a payment of the arrears may not solve the problem. If arrears accrued because the housing is too costly for the A/R, there is no third party to assist with the housing costs, and the A/R's income is not likely to increase in the near future, an alternative solution, such as rehousing in permanent or temporary accommodations, may have to be pursued.

In evaluating an A/R's ability to meet future housing expenses, individual circumstances should be considered. Some factors that may be considered in evaluating whether future housing costs can be met include, but are not limited to:

- (1) the continuation of the A/R's employment, the guarantee of future employment, or enhanced employment through efforts to assist A/Rs;
- (2) the presence of non-public assistance (NPA) household members who assist with housing payments;
- (3) the receipt of exempt or disregarded income that can be applied to housing payments;
- (4) access to in-kind sources of food and/or clothing, or evidence of management and homemaking skills that could make available part of the non-shelter portions of the grant for housing payments;
- (5) the possibility of shared housing with another PA recipient and the provision of a non-prorated shelter allowance in accordance with Department regulation 18 NYCRR 352.32; and
- (6) the contribution toward housing costs of non-legally responsible relatives, friends, organizations, or other sources (such as housing vouchers). The ability of these persons and/or organizations to provide such contribution must be verified.

2. Clothing and Furniture Replacement

An allowance for the partial or total replacement of clothing or furniture lost in a flood, fire or other like catastrophe must be provided under Department

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regulation 18 NYCRR 352.7(d). Department regulations 18 NYCRR 397.5(a) and (h) provide for meeting repair and replacement needs under EAA. Allowances for the partial or total replacement of clothing or furniture lost in a flood, fire or other like catastrophe are not counted as income when calculating FS and MA eligibility.

3. Restaurant Allowance

A restaurant allowance authorized under Department regulation 18 NYCRR 352.7(c) must be provided when persons are unable to prepare meals at home on a permanent or a temporary basis, or when meals are not provided in the living arrangement. For example, a recipient sharing housing with another family may not have use of the cooking facilities. The provision of a restaurant allowance to that recipient could lessen tensions which might lead the host family to ask the recipient to leave the household. Restaurant allowances paid directly to a recipient are counted as income when calculating FS eligibility. Vendor restricted restaurant allowances are not counted as income when calculating FS and MA eligibility.

4. Maintenance of Housing

Department regulation 18 NYCRR 352.3(c) provides for the payment of household expenses including, but not limited to, the payment of rent for a period of 180 consecutive days per stay when a recipient is receiving care temporarily in a medical facility. Medical facilities include acute care hospitals, nursing homes, MA funded alcohol treatment programs, State psychiatric centers and VA hospitals. Such recipients are not eligible for FS and must be removed from the FS household, upon entry into the medical facility.

5. Water Allowance

Department regulation 18 NYCRR 352.3(b) requires the payment of a separate water allowance for a recipient who rents or owns his/her own home and who has a direct obligation to a vendor for water charges. The regulation also requires the shelter allowance for a recipient who is obligated through a lease agreement to pay for sewer, water and/or garbage disposal to include an amount for such charges, to the extent to which the total of the rent allowance plus such charges does not exceed the applicable maximum shelter allowance. Water allowances and allowances for sewer and garbage disposal are not payable to persons in Section 8 certificate housing. Payment of a water allowance as a regular on-

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going need in a PA household is counted as income when calculating FS eligibility. When calculating FS eligibility, the household is entitled to count as a shelter expense the amount of the FS standard utility allowance or the actual amount it pays for utilities, whichever is higher. If water, fuel and utilities for an HR/PG-ADC recipient are paid for by voucher, then they are excluded as income for FS purposes and cannot be counted as a deduction. The FS standard utility allowances are not counted when calculating MA eligibility.

6. Property Repairs

Department regulation 18 NYCRR 352.4(d) provides for the payment for repairs of property owned by an A/R when the property is income producing and the repairs are essential to retain that status, or when the repairs are necessary to the health or safety of the recipient. A district should evaluate whether it is more appropriate to assist an A/R to make alternate housing arrangements than to make repairs to the property. The district must weigh such factors as whether the repairs are necessary for the A/R's health and safety, the costs of the repairs in relation to the value of the property, whether the work requested is a repair or whether it is a capital improvement, and whether rehousing is a viable alternative for the particular A/R. Allowances for repairs are not counted as income when calculating FS and MA eligibility.

7. Equipment Replacement or Repair

Department regulation 18 NYCRR 352.7(b) provides for the essential repair of heating equipment, cooking stoves and refrigerators provided provision cannot be made otherwise. If the district determines that replacement is more cost effective than repair, replacement can be authorized. Such allowances for repair or replacement of cooking stoves and refrigerators must not exceed the amounts in schedule SA-4a.

8. Withholding of Rent by a District

Social Services Law Section 143-b, commonly called the Spiegel Act, allows a district to withhold the payment of rent, on behalf of a PA recipient, under certain circumstances including when there are housing conditions which are dangerous, hazardous or detrimental to life and health of the recipient. In order to use this law, the cooperation of local code enforcement agencies is necessary to document the nature and severity of code violations. Withholding of shelter

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payments pursuant to the Spiegel Act gives the recipient an absolute defense against the landlord's action for eviction based on non-payment of rent. When the Spiegel Act has been invoked by the district, the district must advise the PA recipient. If legal action has been initiated by the landlord, the district must notify the recipient. If the actual rent exceeds the shelter allowance, the district may withhold only the amount of the shelter allowance, unless the recipient gives permission for the district to withhold the actual amount of rent.

Where the district is withholding rent, the withheld rent is not counted as income when calculating FS eligibility and is not allowed as a FS shelter expense. When the withheld rent is paid to the landlord, it is not counted as income when calculating FS and MA eligibility.

9. Withholding of Rent by a PA Recipient

Under certain circumstances, a recipient has the right to withhold rent payments. However, before doing so, the recipient should be referred to a legal advocate for assistance. When a recipient presents evidence that he/she has withheld rent because of a legitimate dispute with the landlord, the shelter allowance must be provided in the PA grant. However, the recipient should be advised not to spend this money because a court may order part or all of it to be paid to the landlord. The accumulated money is not a resource for the purpose of determining ongoing eligibility for PA. Participation in a rent strike, a court action, or verification that basic services (for example, heat) have not been provided is sufficient evidence to continue shelter payments. The withheld shelter allowance is counted as income when calculating FS eligibility and the total rent cost is counted as a FS shelter expense. When calculating MA eligibility, a shelter allowance withheld from the landlord has no impact. It should be noted that two-party rent checks are restricted rent checks. If a recipient believes that he/she has a legitimate dispute with the landlord, he/she should notify the appropriate district worker so that the district can withhold the rent.

C. Finding New Housing

1. Security Deposits

Department regulations 18 NYCRR 352.6(a), (b), (c) and (d) govern the provision of security deposits and specify

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the circumstances under which a security deposit should be provided. In many instances, the ability of a person to pay a security deposit makes the difference between securing housing and becoming or remaining homeless. Security deposits are not limited to the applicable maximum shelter allowances. Payment of a security deposit is not counted as income when calculating FS and MA eligibility.

The Department has issued an Administrative Directive, 93 ADM-10, which sets forth the requirements and policy relating to the issuance of security deposits.

2. Moving Expenses

Household moving expenses may be paid under Department regulations 18 NYCRR 352.6(a)(1) and 397.5(e). These regulations set forth the circumstances under which moving expenses may be paid, and include the payment of expenses for moving to, from, or between temporary housing accommodations. Allowances for household moving expenses are not counted as income when calculating FS eligibility.

If the payment of moving expenses is necessary because of non-payment of rent (and the failure to pay rent is not due to a legitimate landlord/tenant dispute, a rent strike, or as a result of the application of Section 143-b of the Social Services Law) or verified client caused damages, such payment constitutes an overpayment and is subject to recoupment. The amount of such recoupment is not counted as income when calculating FS and MA eligibility.

3. Broker's/Finder's Fees

Department regulations 18 NYCRR 352.6(a)(1) and 397.5(j) also permit a district to pay broker's/finder's fees. A district may determine the amount of a broker's/finder's fee that is necessary to secure permanent housing in that district. These payments are not limited to the maximum shelter allowances. Allowances for broker's/finders fees are not counted as income when calculating FS and MA eligibility.

If the payment of broker's/finder's fees is necessary because of non-payment of rent (and the failure to pay rent is not due to a legitimate landlord/tenant dispute, a rent strike, or as a result of the application of Section 143-b of the Social Services Law) or verified client caused damages, it constitutes an overpayment and is subject to recoupment. The amount of such recoupments is not counted as income when calculating FS and MA eligibility.

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4. Purchase of Furniture

Department regulations 18 NYCRR 352.7(a) and 397.5(a) and Schedule SA-4a set forth the conditions under which a district may pay for the purchase of necessary and essential furniture, furnishings, equipment and supplies required for the establishment of a home. Department regulation 18 NYCRR 397.5(f) permits districts to pay for necessary furniture and clothing to enable a person to move into his/her own residence from a nursing home, hospital or other institution. Allowances for the purchase of necessary and essential furniture, furnishings, equipment and supplies required for the establishment of a home and allowances for necessary furniture and clothing to enable a person to move into his/her own residence from a nursing home, hospital or other institution are not counted as income when calculating FS and MA eligibility.

5. Shared Housing

a. PA Individual/Family Residing with Persons Not Receiving PA (NPA household)

A district should evaluate whether temporary or permanent housing with friends or relatives is available to a homeless person. When housing with friends or non-legally responsible relatives who are not in receipt of PA is available, but not without cost, the PA recipient may contribute to the housing costs, or a room and board rate may be negotiated with the prime tenant/homeowner (Department regulation 18 NYCRR 352.8).

(1) Contributing Toward Costs of NPA Household Expenses

(a) Public Assistance Budgeting

The actual amount the PA recipient contributes to the NPA household's expenses, up to the shelter maximum with heat allowance for the appropriate family size, must be provided in the PA budget as the shelter allowance. This amount must be provided even if it exceeds the actual rent or mortgage cost incurred by the host household. In addition, the PA recipient is eligible for a basic allowance, a home energy allowance, a supplemental home energy allowance, a restaurant allowance if the PA family does not have the use of cooking

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facilities, and any other appropriate special needs allowances.

NOTE: When the NPA prime tenant receives a rent subsidy under the Section 8 certificate program, the PA shelter allowance will be the amount from the appropriate Section 8 rent allowance schedule, as set forth in Department regulation 352.3(d)(iii) or (iv). When the PA household has a room and board arrangement with a Section 8 certificate prime tenant, the negotiated rate maximum is determined by using the appropriate Section 8 rent allowance schedule in place of the district shelter allowance with heat schedule [352.3(a)] in the room and board methodology.

(b) Food Stamp Budgeting

Persons who live together, and purchase and prepare food together, must be treated as a single FS household. If the PA recipient purchases and prepares food with the host household, then the host household must be included as part of the FS household. If the NPA host household refuses to be included in the FS household, even though it purchases and prepares food with the PA household, then the PA household is not eligible for FS.

If the PA household and the NPA household do not purchase and prepare food together, then the FS household composition rules must be applied before determining whether the two households may be considered separate for FS purposes. Food stamp household composition rules require that the following persons be treated as a single household even if purchasing and preparing food separately:

- a spouse of a member of a household;

- a child under 18 years of age, other than a foster child under the parental control of an adult household member who is not the child's parent or stepparent;

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a parent and his or her child or stepchild 21 years of age or younger who are living together, unless the child is a parent living with his or her child or a spouse living with his or her spouse.

These rules differ significantly from the "legally responsible relative" concept used for calculating eligibility for PA. Therefore, it is important to review the FS household composition rules carefully before determining whether the PA household and the NPA household may be treated as separate FS households. The household's declaration regarding food purchase and meal preparation must be accepted when determining the FS household composition.

Application of the purchasing/preparing and household composition rules will result in one of the following FS situations:

☐ Mixed Household

- ☐ PA household and NPA host household receive FS as one FS household.

☐ Separate Households

- ☐ PA household receives FS; NPA household does not receive FS because it is ineligible for reasons other than purchasing/preparing, and/or household composition rules, or it did not apply for FS.
- ☐ PA household receives FS as one household; NPA household receives FS as a separate household.
- ☐ PA household does not receive FS because it is ineligible, for reasons other than purchasing/preparing or household composition requirements; NPA household receives FS.
- ☐ One PA household receives FS as two separate households.

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Ineligible Households

- PA and NPA households are treated as a single household and the household is ineligible for FS.
- PA and NPA households are treated as separate FS households under purchasing/preparing and household composition rules but both households are ineligible for FS.

Once the appropriate household composition is determined, the amount of the allowable FS excess shelter deduction must be determined and used to calculate the benefits of each FS household. If the PA and NPA households are one FS household, then the shelter amount used to calculate the FS excess shelter deduction is the amount of rent or mortgage that is paid by the combined PA and NPA households. If the FS household pays for heat and utilities separate from rent, or is eligible for HEAP, these expenses also are used to calculate the excess shelter deduction.

However, when the PA and NPA households are not receiving FS as a single FS household, the amount which is paid toward housing by each FS household is the shelter cost for that household. For example, if the PA family is paying \$150 of a \$300 housing cost, then \$150 is the FS shelter cost for the PA family. Also, the amount each FS household pays toward heat and utilities, or a prorated portion of the heating and/or utility standard, whichever is higher, is used to calculate the excess shelter deduction.

(2) Paying for Room and Board

(a) Public Assistance Budgeting

In a room and board arrangement, the NPA family charges the PA recipient a flat

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rate which includes room and board. The room and board allowance may not exceed the sum of the basic allowance, the home energy allowance, the supplemental home energy allowance and the maximum shelter allowance (with heat) for the appropriate PA family size. In addition, each member of the PA household is eligible to receive a monthly personal needs allowance of \$45.

(b) Food Stamp Budgeting

Persons who are boarders are ineligible to receive FS as separate FS households. However, the NPA family charging board may request that the boarders be included as members of its FS household. The household would then become a mixed FS household.

For FS purposes, parents and children may not be boarders of each other and siblings may not be boarders of each other. If a person is not a boarder for FS purposes but is a boarder for PA purposes, it will be necessary to establish a mixed household case and to include all income of both the PA and the NPA households. Shelter costs are calculated using the actual shelter expenses of the dwelling.

b. Separate Public Assistance Households Living Together

If two or more persons or families who are eligible for separate grants of assistance are sharing housing because one or both otherwise would be homeless or in danger of becoming homeless and no one in one PA household is legally responsible for anyone in the other PA household, their shelter allowances must not be prorated notwithstanding Department regulations 18 NYCRR 352.32(e)(1), (2) and (3). Rather, Department regulation 18 NYCRR 352.32(e)(4) should be applied if these recipients live or move in together. The budgeting methods set forth below and outlined in 83 ADM-52 are tools for districts to help recipients retain or secure permanent housing. The district should:

- (1) Determine each family's proportionate share of the actual rent. For example, in a household consisting of a 3 person ADC household and a 1

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person HR household, where the rent is \$300, the ADC household's proportionate share is \$225 (3/4 of \$300) and the HR household's proportionate share is \$75 (1/4 of \$300).

- (2) Compare each household's proportionate share of the actual rent to the allowable maximum shelter allowance for the number of people in that household, and budget the shelter allowance as follows:

- (a) If the proportionate share of rent for each household is greater than the respective maximum shelter allowances, budget the maximum shelter allowance for each household.

- (b) If the proportionate share of rent for each household is less than the respective maximum shelter allowances, budget the proportionate share for each household. However, if one of the PA cases is closed, the remaining household's shelter allowance must be rebudgeted in accordance with procedures contained in 82 ADM-75 and Swift v. Toia (budgeting for NPA, non-legally responsible household members).

- (c) If one household's proportionate share of the rent is greater than the allowable maximum shelter allowance and the other household's proportionate share of the rent is less than the allowable maximum shelter allowance:

- The shelter allowance of the first household is the maximum; and

- The shelter allowance of the second household is the actual total rent minus the shelter allowance of the first household but not more than the maximum shelter allowance.

Food stamp rules regarding household composition, and purchasing and preparing food must be considered when determining FS eligibility for separate PA households living together. Sharing

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housing expenses does not by itself make the separate PA households one FS household. Further, if there is more than one FS household residing together, each household is entitled to a shelter expense up to the amount paid toward rent. Each household also is entitled, as a shelter expense, to the amount paid toward heat and utilities, or a prorated portion of the heating and/or utility standard, whichever is higher.

© Separate Public Assistance Cases With Separate Landlord/Tenant Agreements

Where two or more PA households reside together but each household has a separate landlord/tenant agreement, each such household is entitled to a shelter allowance in the amount charged to the respective households, up to the shelter maximum, provided no member of one household is legally responsible for the support of a member of the other household(s). In these situations, the shelter allowances should not be prorated. As discussed in 5.b. above, FS rules regarding household composition, and purchasing and preparing food must be considered when determining FS eligibility for separate PA households living together.

6. Transportation and Child Care to Locate Housing

An EAF allowance must be provided to eligible homeless persons and eligible persons in danger of becoming homeless, under Department regulation 18 NYCRR 372.4, for transportation or child care necessary to permit parents to search for permanent housing. The allowances provided should be for the least expensive and most practical method of transportation (for example, bus), and appropriate child care. While there is no limit on the amount of times such allowances may be provided to permit a search for housing, or to secure child care, each district should have a method for verifying that the recipient actually used the money to search for housing (for example, a form signed by landlord, rental agent, or real estate agent) or to secure child care. The method of payment can vary according to case circumstances and type of transportation or child care used (for example, car or bus/subway tokens, voucher for cab, rental of van), or child care provided. Allowances for transportation and child care necessary to permit parents to search for permanent housing are not counted as income when calculating FS and MA eligibility.

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See 88 ADM-41 for a further discussion of school transportation for school-aged children living in temporary housing.

7. Storage of Furniture and Personal Belongings

Department regulations 18 NYCRR 352.6(f) and 397.5(k) provide for an allowance for storage of furniture and personal belongings when it is essential in circumstances such as relocation, eviction or a move to temporary shelter. The allowance can continue so long as eligibility for emergency or recurring PA continues and so long as the circumstances necessitating the storage continue to exist. The need for storage must be essential. The monetary value of the items may not be considered when evaluating whether to grant a storage allowance. Districts should obtain a list of stored furniture and keep it in the case file. Allowances for storage of furniture and personal belongings are not counted as income when calculating FS and MA eligibility.

D. Providing Temporary Housing Assistance for the Homeless

When eligible persons or families present themselves to a district as being homeless and they are eligible for assistance to meet immediate needs, their immediate needs must be met promptly, in accordance with 86 ADM-7.

[Persons who resided in housing immediately prior to requesting temporary housing assistance and who were not made homeless as a result of a legal eviction or an emergency such as a fire, flood or other condition which rendered the premises uninhabitable are not presumed to be in immediate need of assistance. In these cases, the district must make every reasonable effort to verify the applicant's eligibility for assistance (see 86 ADM-7), and shall be obligated to provide temporary housing assistance only upon verification that other temporary or permanent housing is not available. Persons claiming to be victims of domestic abuse or violence should be distinguished from those claiming to be homeless for other reasons and the district must make every effort to ensure that appropriate services are provided in a timely fashion.]

As a general rule, individuals and families must be responsible for making their own housing arrangements. Districts have a limited ability to provide housing and are neither expected nor obligated to provide temporary housing assistance unless it is clearly demonstrated that the person requesting assistance is faced with an immediate need for housing, has made reasonable efforts to secure housing and cannot access any other housing even on a temporary basis.

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Each district must provide temporary housing assistance only to persons who can establish that they are without housing at the time assistance is requested and have sought and cannot access any other housing even on a temporary basis. Persons who resided in their own or shared housing immediately prior to requesting temporary housing are presumed to not be in immediate need of assistance except in cases where a fire, flood or other sudden emergency has rendered the previous housing uninhabitable. Such persons must establish that they cannot return to their prior housing.

All applicants must demonstrate by clear, convincing and credible evidence that they have actively sought and are unable to access any other temporary or permanent housing, including housing in which they had previously resided and temporary accommodations provided by friends or relatives. When an applicant has left shared housing, factors such as the duration of the stay, nature of the relationship of the applicant and the primary tenant, conditions in the household and the credibility of the applicant and the primary tenant all must be considered, and a determination of eligibility made based upon the totality of the circumstances. A primary tenant's claim, oral or written, that the family can no longer reside in the shared housing is not, by itself, sufficient to establish that the housing is no longer available.

Physical or mental impairments of the applicant or a family member that may have limited the applicant's ability to access other housing must be taken into consideration in determining if the applicant has made adequate efforts to secure other housing. Individuals or families fleeing domestic violence or child abuse should be distinguished from those claiming to be homeless for other reasons and the district must attempt to ensure that appropriate assistance is provided to such persons in a timely manner.

Applicants for temporary housing assistance are required to cooperate with the district's eligibility verification efforts by providing all information and documentation relevant to determining the applicant's eligibility for such assistance. Districts must make reasonable efforts to verify an applicant's eligibility for assistance. When assistance in obtaining information or documentation relevant to the verification of eligibility is required from an applicant, the district will attempt to assist the applicant to obtain such information or documentation, if necessary.

Temporary housing assistance is a temporary, emergency benefit and is intended to be provided only as long as is reasonably necessary for the recipient to find other housing. Persons in receipt of temporary housing assistance remain responsible for locating their own housing including,

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but not limited to, permanent housing, reunification with family, appropriate residential facilities and, if necessary, other temporary housing, such as shared housing.

When placing persons in temporary housing or when transferring persons between temporary housing accommodations, a district must attempt, but is not required, to make placements within these persons' community, giving consideration to the children's educational needs, employment needs, medical needs and child care needs.

A person does not have to be domiciled or have an address to be eligible for PA, MA or FS. A permanent or temporary

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residence is not an eligibility requirement for receipt of assistance under these programs. Such persons, if otherwise eligible for assistance, would be eligible to receive a basic allowance plus a home energy allowance, a supplemental home energy allowance and any special needs allowance for which they may be eligible, including restaurant allowances. Homeless persons are entitled to expedited processing of their applications for FS. Expedited FS must be provided within one business day after the application filing date.

1. Sanctioned Persons/Undocumented Aliens

A person who is a United States resident and who is either a citizen, lawful permanent resident, or a person permanently residing in the United States under color of law (PRUCOL) is eligible for PA, provided he/she meets the PA eligibility requirements, including the requirement to furnish evidence of lawful residence in the United States. All other aliens and persons who fail to furnish evidence of lawful residence may be eligible for EAF only. When a district cannot provide PA to such a person, it must attempt to aid him/her in locating temporary or permanent housing in public, private, non-profit or charitable institutions, if such housing is available.

A sanctioned person is a person who is ineligible for PA because he/she has failed to comply with certain PA eligibility requirements. A person may be sanctioned for such things as failure to comply with work requirements, failure to comply with child support enforcement requirements and refusal to execute a lien or mortgage on real property. Even though PA may not be provided for the sanctioned person, the needs of the remainder of eligible family members must be met. Special attention should be paid to the needs of the children. Where a person is subject to a PA sanction, it must be determined if the sanction also applies to eligibility for FS and MA. Under certain circumstances, a person or household may be ineligible for PA, but remain eligible for FS or MA.

2. Dealing with Homeless Persons During Non-Business Hours

Each district must have procedures in place to ensure that homeless persons or those in imminent danger of becoming homeless can apply for and obtain temporary housing assistance and other emergency assistance during non-business hours. Obtaining proper documentation and making complete eligibility determinations may be difficult after business hours. Nevertheless, a district must attempt to verify eligibility to the extent possible, given the limitations of the after hours procedures (e.g., a worker on call who performs

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telephone interviews). The conditions which resulted in the person or family becoming homeless may prevent a person from being able to present documentation necessary for determining eligibility. For example, a fire or an illegal lockout by a landlord may make documents unavailable, at least temporarily. Sometimes, collateral contacts can be made by telephone to verify the homeless persons' statements. Other times, the homeless persons may indicate that they can stay with relatives or friends until the next business day. In such cases, the district must be assured that the relatives or friends are able to provide temporary housing for the homeless persons.

Where eligibility has not yet been clearly documented, a district may provide temporary housing assistance until the next business day, and require the homeless person to come into the district the next business day to continue the eligibility determination process.

If a person repeatedly uses the after hours emergency telephone numbers and fails to come into the district during normal business hours, the person must be referred to Adult Protective Services (APS) or to Preventive Services for Children and their Families, respectively (see Section V.F.2 a. and b.). After a determination has been made that services are not necessary, the person may be denied temporary housing assistance based upon failure to cooperate with the district in determining eligibility.

If an application is completed during non-business hours, the application filing date for expedited FS processing is the next business day after the application is completed. If local procedures do not require that the application be completed during the non-business hours emergency process, applicants must be advised that they will be entitled to expedited processing of their FS applications as soon as the applications are filed.

3. Types of Temporary Housing Assistance

A district must meet emergency needs of eligible persons and determine, based upon the particular circumstances, the most appropriate temporary housing assistance for such persons. Homeless persons do not have the right to choose their own temporary placements. The overriding concern is the district's efforts to locate, secure and pay for housing which meets basic standards of health and safety, as set forth in applicable Department regulations. When the district determines that a particular temporary housing placement is appropriate, the homeless person must accept the placement unless, in

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the district's judgment, he or she has good cause for refusing to do so. It may be good cause if the homeless person would be unable to participate in medical, alcohol or drug treatment or in employment or training because of a transportation hardship created by the location of the temporary housing placement.

a. Tier I Family Shelters

A Tier I family shelter, often referred to as a congregate shelter, is a shelter which provides short-term temporary housing and related activities to 10 or more homeless families including, at a minimum, a sleeping area, access to three nutritional meals a day, supervision, a preliminary needs determination, and health care. These family shelters are regulated by Department regulation 18 NYCRR Part 900. A family with a pregnant woman, child under six months of age, or a child or adult with a contagious disease or special medical need may not be placed in a Tier I family shelter. A family in one of these shelters continues to receive the regular PA grant minus the shelter allowance, since the placement in a Tier I shelter is generally for a period of less than a month. The family also receives a restaurant allowance, if appropriate. When calculating FS eligibility for a family in a Tier I shelter, the shelter allowance is not counted as income, but if the family is receiving a restaurant allowance, the restaurant allowance is counted as income. Also, if the shelter allowance is paid directly to the shelter by the district, the household may not claim a shelter expense.

b. Tier II Family Shelters

A Tier II family shelter is a shelter which provides temporary housing and related activities to 10 or more homeless families including, at a minimum, private rooms, three nutritional meals a day, supervision, assessment, permanent housing preparation, recreation, information and referral, health care and child care services.

Department regulation 18 NYCRR 352.8 authorizes payment for a Tier II family shelter which is regulated by Department regulations 18 NYCRR Part 900. Where the shelter provides three meals a day, each member of the family receives \$63 special needs allowance. A family in a Tier II shelter which serves fewer than 3 meals a day receives a special needs allowance equal to the basic allowance, the home energy allowance and the

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supplemental home energy allowance for the appropriate family size. If there are no cooking facilities, a family also receives restaurant allowances (for the number of meals not provided as per schedule SA-5) and, if circumstances warrant, the \$36 special restaurant allowance. Additionally, the family receives FS and MA.

Any PA payments made directly to the shelter on behalf of a family or made directly to the family, such as the special needs allowance, basic allowance or restaurant allowance, which are not otherwise excluded, do not count as income when calculating eligibility for MA. The total amount of the PA payment made directly to the shelter is excluded as income when calculating FS eligibility.

c. Shelters for Pregnant Women

A shelter for pregnant women provides congregate shelter to 10 or more pregnant women who are unmarried or separated and who have no children currently residing with them. These shelters provide each person with a sleeping area, three nutritious meals a day, supervision, permanent housing preparation, health services, pre-natal services, and arrangement for the provision of post-natal services. Department regulation 18 NYCRR 352.8 authorizes payment for housing a homeless pregnant woman in a shelter which is regulated under Part 1000 of Department regulations. A woman in one of these shelters is eligible to receive a monthly special needs allowance of \$45, plus a \$50 monthly pregnancy allowance as specified in Department Regulation 18 NYCRR 352.7(k).

Any PA payments made directly to the shelter are exempt as income when calculating eligibility for MA. Where the PA shelter payment is made directly to the vendor, the amount of such payment is excluded as income when calculating FS eligibility and the household may not claim a shelter expense. Public assistance payments made directly to the woman, such as the special needs allowance, are counted as income when calculating FS eligibility. Such payments are not counted as income when calculating MA eligibility.

d. Shelters for Adults

A shelter for adults is an adult care facility for adults in need of temporary accommodations, supervision and services which provides temporary

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residential care, room, board, supervision, information and referral, and where required by the Department or otherwise deemed necessary by the operator, social rehabilitation services. A facility providing such temporary residential services to fewer than 20 persons is not a shelter for adults unless the facility is operated by a district. A shelter for adults operated by a district, regardless of size, may be referred to as a public shelter.

Part 491 of Department regulations 18 NYCRR sets forth the requirements for the certification and operation of shelters for adults. An operator of a shelter for adults must obtain an operating certificate from the Department's Office of Housing and Adult Services (OHAS) in order to operate the shelter. OHAS inspects these shelters on a regular basis to determine compliance with Department regulations 18 NYCRR Part 491.

e. Other Temporary Housing

There are facilities for homeless persons which are not Tier I, Tier II or shelters otherwise regulated by the Department. Public assistance for an eligible person residing in a facility not regulated by the Department is authorized under Department regulation 18 NYCRR 352.8. The rate which must be negotiated should be based upon the reasonable cost of the room, board and other covered items provided by a facility. If the facility is commercially operated, Department regulation 18 NYCRR 352.8(b)(1) limits the rate which may be negotiated. An uncertified or unapproved facility is not required to provide any particular housing related activities. However, if additional activities are provided, they should be taken into consideration when negotiating a rate. If the facility only charges for room and housing related activities, then a room rate should be negotiated and the individual or family would be eligible for the appropriate basic allowance, the home energy allowance, the supplemental home energy allowance, and a restaurant allowance if necessary. If the facility provides room and board, then a room and board rate should be negotiated and each member of the family is entitled to a \$45 monthly personal needs allowance.

A person residing in one of these facilities may receive FS. Residence in one of these facilities is not considered a boarder situation under FS rules, even though the authority to make these

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payments is the regulation regarding negotiated room or room and board rates. A food stamp recipient residing in this type of housing meets the definition of residing in a shelter for homeless persons.

Where the PA shelter payment is made directly to the vendor, the amount of such payment is excluded as income for purposes of calculating FS eligibility and the household may not claim a shelter expense. Any other PA payments made directly to the homeless person and not otherwise excluded, such as the personal needs allowance, basic allowance and/or restaurant allowance, count as income when calculating FS eligibility. These payments are not counted as income when calculating MA eligibility.

f. Hotels/Motels

When no other suitable temporary or permanent housing, either public or private, is available to house an eligible homeless person, Department regulations 18 NYCRR 352.3(e)&(f) authorize an allowance to be made for shelter in a hotel or motel. Such placement may be for up to six months only, unless the commissioner of the social services district determines annually that housing other than hotels/motels or shelters regulated under Part 900 or Part 1000 is not readily available in the district and submits such determination to the Department. Upon such annual determination and submission, reimbursement for hotel/motel costs, restaurant allowances and rental fees for refrigerators may continue beyond six months. A recipient's continued need for hotel/motel accommodations must be reviewed and evaluated monthly by the district. A person placed in a hotel/motel is eligible to receive the basic allowance, the home energy allowance, the supplemental home energy allowance, the restaurant allowance if no cooking facilities are available and meals are not otherwise provided, and appropriate special needs allowances. In addition, he/she is eligible for a hotel/motel shelter allowance, which is usually paid directly to the hotel/motel.

When accommodations with cooking facilities are not available, hotel/motel accommodations without cooking facilities may be used. An allowance must be made for rental of a refrigerator in hotel/motel rooms when there are no cooking facilities available and when a refrigerator is available from

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the hotel/motel on a rental basis. The refrigerator rental allowance may not exceed \$10 per week per room. Refrigerator rental allowances are not counted as income when calculating FS and MA eligibility.

A person temporarily placed in a hotel/motel is entitled to a restaurant allowance of \$64 per person per month, when the hotel/motel has no cooking facilities and meals are not otherwise provided. An additional special restaurant allowance of \$36 per month is available for any pregnant woman, and child under 18 years of age (regardless of which meals are taken in restaurants). The additional allowance also is available for any person under 19 years of age who is a full-time student regularly attending a secondary school or is in the equivalent level of vocational or technical training if, before attaining age 19, such person reasonably may be expected to complete the program of such secondary school. As stated in V.B.3, restaurant allowances paid directly to a recipient are counted as income when calculating FS eligibility. Vendor restricted restaurant allowances are not counted as income when calculating FS and MA eligibility.

When calculating FS eligibility, the amount of the PA shelter allowance made directly to the vendor is excluded as income and the household may not claim a shelter expense. When a PA shelter allowance for a hotel/motel accommodation without cooking and/or refrigeration facilities is paid directly to the homeless person, the amount of the shelter allowance which is in excess of the PA shelter with heat schedule for the appropriate family size is not counted as income when calculating FS eligibility (i.e., only the "excess shelter payment" is excluded as income if the hotel/motel payment is not vendor restricted). Any part of the shelter allowance which is excluded as income may not be used in determining a household's FS shelter deduction. These payments are not counted when calculating MA eligibility.

4. Budgeting of Income in Temporary Housing Situations

A person who is homeless may have income which must be budgeted to determine whether any of it must be used to pay for the costs of the temporary housing. In some cases, the amount of the income would make him/her ineligible for PA if he/she were residing in his/her own home. However, when budgeting the income of a homeless person, the actual cost of the temporary housing, the

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applicable restaurant allowances, basic allowance, home energy, supplemental home energy allowance, and any appropriate special needs allowance must be used in establishing the monthly standard of need and in applying the Gross Income Test, as set forth in Department regulation 18 NYCRR 352.18. Thus, such a person may be eligible for PA while in temporary housing.

The PA budgeting procedures for a homeless person who has income are the usual PA budgeting procedures, regardless of the category of assistance. However, when a homeless person has income and is in temporary housing less than a full calendar month, a per diem PA deficit must be calculated. This is done by dividing the monthly PA deficit by the number of days in the particular month. For example, a homeless person is in a motel for 15 days in June and the monthly PA deficit is \$600. The PA deficit is \$20 per day or \$300 for those 15 days. In determining the standard of need, the actual costs of the temporary housing must be used and the actual income applied.

It is important to note that a homeless family might be financially eligible for ADC or HR when another family with the same amount of income which is not homeless would be ineligible therefor. The reason for the distinction is that you must apply the actual cost of the temporary housing, which can be high, when determining the family's needs. Additionally, many allowances provided to the homeless family, such as the restaurant allowance, security deposit, storage, etc., are provided under ADC.

When calculating FS eligibility, PA income must be applied to shelter costs and special needs related to homelessness before other earned or unearned income is applied. Appropriate income exclusions must be applied against a PA grant to determine what portion of a grant, if any, is to be counted as income when calculating FS eligibility. The amount of the PA shelter allowance paid directly to a temporary housing provider is excluded as income when calculating FS eligibility. Any part of the temporary housing cost which the homeless person pays to the provider from non-PA income constitutes the shelter cost when determining the appropriate shelter deduction for purposes of calculating FS eligibility. Income from PA used to pay for special needs related to homelessness (e.g., \$10 refrigerator rental, vendorized restaurant allowances, etc.) must be excluded as income when calculating FS eligibility. Monies paid for special needs from earned and/or other unearned income may not be excluded.

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A household which is not eligible for ADC or SSI but which is eligible for HR and which has earned and/or unearned income may be ineligible for FS because the household income is above the gross income limit. Furthermore, some ADC and/or SSI households may be eligible for a zero dollar benefit only, because of the amount of non-PA income.

5. Resources

A homeless person may be ineligible for ADC or HR because he/she has resources that would make him/her ineligible to receive recurring PA. Such resources must be used if they are immediately available or can be converted to cash to meet the need. If the resources are not immediately available or cannot be readily converted to cash to meet the need, the homeless person may be eligible for EAF or EHR. When calculating FS eligibility, the resources of a homeless person who is not categorically eligible for FS must be determined in accordance with requirements set forth in the Food Stamp Source Book, Section XVI. When calculating MA eligibility, the resources of a homeless person must be evaluated in accordance with the requirements set forth in the MARG, page 356.

6. Claiming for Categories of Assistance Available to Assist Homeless Persons

A homeless person may be eligible for PA under one or more of the following categories: ADC, PG-ADC, EAF, EAA, HR or EHR. However, EAA does not cover the cost of temporary housing unless the permanent housing was lost through vandalism or as a result of fire, flood or similar catastrophe which could not have been foreseen and not under the control of the SSI recipient. If permanent housing is lost for some other reason, the cost of the temporary housing for the homeless SSI recipient must be covered under HR or EAF.

If a particular item is not covered under ADC, that particular item should be paid for under EAF if the EAF criteria are met. If a homeless family is ineligible for ADC or EAF, the district must evaluate their eligibility for PG-ADC. A single homeless person and a homeless couple without a child may be eligible for HR. If the homeless single person is under 21 years of age and has resided with an eligible relative within six months, or is a pregnant woman (with a medically verified pregnancy) without children, such person may be eligible for EAF.

Generally, the cost of PA provided to a homeless person should be paid for according to the following

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hierarchy: for a person in a hotel/motel-ADC, EAF, PG-ADC and HR; for a person in a Tier I shelter, Tier II shelter or a residential program for victims of domestic violence-EAF, ADC, PG-ADC and HR, provided that the costs are allowable under the PA regulations for the respective programs.

If EAF is claimed for a case that is ADC, PG-ADC or HR, the case type should remain ADC, PG-ADC or HR. The costs of care are claimed as EAF by using the special "f" claiming code on the DSS-3209 upstate or the emergency indicator on DSS-3517 in New York City.

If a homeless person is eligible for EAF and EAA, the district should provide assistance under EAF before providing assistance under EAA. Such a circumstance may occur when the person is an SSI recipient and under the age of 21 or has a child under the age of 21.

NOTE: When EAF is provided, it is important to ensure that all the EAF eligibility, documentation and authorization requirements detailed in Part 372 of Department regulations 18 NYCRR are met.

Emergency Assistance for Adults is intended to meet the emergency needs of SSI recipients and those persons who have been determined eligible for SSI by the Social Security Administration. Emergency Assistance for Adults may be used to meet certain specified needs. However, this program does not cover the cost of temporary housing assistance for homeless persons. If the need is not covered under EAA, PG-ADC or HR must be provided in accordance with Department regulation 18 NYCRR 370.8.

For costs not allowed under PA regulations, the only other potential funding source is Title XX. A homeless person who receives a service under Title XX must meet the eligibility requirements for the specific service and an authorization must support any payments and corresponding claims.

7. Restriction of Temporary Housing Assistance Payments

Public assistance payments to an HR recipient may be restricted for administrative ease. Department regulations 18 NYCRR 381.2, 381.3, and 381.4 and the Thomasel v. Perales decision generally require that ADC payments be made directly to the family, unless the family voluntarily requests restricted payments or the district makes a determination that the family has mismanaged their ADC grant. This requirement is based upon federal regulations, the intention of which is to allow and encourage a family to manage its own affairs.

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However, direct payment for temporary housing is not always an issue of mismanagement, but rather an issue of the responsible and practical use of resources by a district to meet temporary housing needs of a family in crisis. Direct payment in these situations is not dependent upon the behavior of any particular family but upon the nature of the services provided (i.e., provider agrees to provide temporary shelter upon referral by the district in return for a direct payment from the district). Furthermore, the Thomasel v. Perales decision and Part 381 of Department regulation 18 NYCRR do not apply when a person does not have a contractual relationship with a temporary housing provider and, thus, is not a tenant.

8. District of Fiscal Responsibility

A district should make every possible effort to place a homeless person within his/her own district. Nevertheless, a district may find it necessary, due to the unavailability of temporary housing within its own district, to place a homeless person in temporary housing which is located in another district.

If a district must place a homeless person into temporary housing in another district, the placing district continues to be responsible for the PA, MA and FS needs of such person during the stay in the temporary housing. If the homeless person subsequently moves into permanent housing in the district in which the temporary housing is located, the placing district retains responsibility for the PA needs during the month of the move out of the temporary housing and the following month. The placing district retains responsibility for FS for the month of the move from the temporary housing (see Food Stamp Source Book Section V-B-2.2). The placing district retains responsibility for an MA-Only A/R for the month of the move to permanent housing and may retain responsibility for the following month. After these periods expire, the new district is responsible for providing PA, MA and FS for which such person is eligible. The placing district is responsible for such things as security deposits, broker's fees, moving expenses and furniture allowances necessary for the homeless person to move from the temporary housing into the permanent housing.

A homeless person has the constitutional right to travel from state to state and from district to district within the State and to declare his/her own domicile. If a homeless PA recipient from one district applies for assistance in another district and states that he/she does not want to return to the district in which he/she has been receiving PA, the new district is responsible

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for securing temporary housing. However, the former district is responsible for the recurring PA and MA costs for the month the person enters the new district and the following month. Security deposits, moving expenses, broker's fees and furniture allowances necessary to secure permanent housing in the new district are the responsibility of the former district, if they are required during the month of the move into the new district or the month after. If these items are required after this time period, they are the responsibility of the new district. The former district is responsible for providing FS for the month of the move (see Food Stamp Source Book Section V-B 2.2).

If a homeless person, not in receipt of PA in one district, applies for assistance in another district and states an unwillingness to return to the former district, the PA, FS and MA needs must be met by the district to which he/she has applied, provided he/she is otherwise eligible. When a person in receipt of MA-Only presents himself/herself as homeless in another district, MA must be provided for the month of the move and may be provided through the end of the following month by the former district of residence.

It should be noted that a person would not be considered homeless if he/she had access to permanent housing in the district he/she left, provided the housing has no hazardous or dangerous code violations, returning to the housing can be accomplished reasonably and return to such housing would not expose him/her to physical, emotional or sexual abuse.

E. Responsibilities of Homeless Persons:

Being homeless does not by itself exempt a person from having to meet the PA or MA eligibility requirements. Although a homeless person may have difficulty securing requested items to verify eligibility, being homeless does not exempt such a person from responsibilities pertinent to establishing eligibility for PA or MA. Failure to cooperate in establishing PA or MA eligibility makes a homeless person ineligible for PA or MA. However, the district has an obligation, where necessary, to assist an applicant to verify his/her eligibility. (See Department regulations 351.5 and 351.6.)

A homeless person has an on-going obligation to seek permanent housing actively when residing in temporary housing. A homeless person also has an obligation to accept suitable permanent housing found by the district. If the homeless person refuses an appropriate permanent housing referral without good cause, a district may terminate the temporary housing allowance on the basis that such person has

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failed to use resources that will reduce or eliminate the need for PA. In determining whether permanent housing is appropriate, the district must consider such things as the amount of rent, the amount of space and the number of rooms, whether the housing is free of code violations, access to school, necessary medical care, and employment.

When a homeless person refuses, without good cause, to accept either temporary or permanent housing offered by the district, referral to the agency's Division of Services must be made (See F.2 of this Directive).

When a homeless person has income, he/she may be required to use the income to pay for the temporary housing. A homeless person must be advised of his/her obligation to make such payments, the amount of the payments and the mechanism for making such payments. If failure of a homeless person to apply available income to the costs of temporary housing results in discharge from such housing, the district is obligated to help such person locate alternate temporary housing. If the person has been informed that continuation of such behavior will result in ineligibility for continued temporary housing assistance, a district is not obligated to provide temporary housing assistance if homelessness results from such behavior. A district must meet the needs of any child in the family and a referral to the district's Division of Services must be made when the child's welfare is being endangered by the parent's lack of cooperation with the district. (See Section V.F.2b.).

F. Additional Issues Regarding Homeless Persons

1. Timely and Adequate Notice

There are several difficult situations that arise concerning provision of timely notice to PA recipients who are homeless.

A discharge from a Tier I or Tier II shelter is governed by Department regulation 18 NYCRR 900.8. Whenever a homeless person is being discharged from a Tier I shelter, the person must be given written notice of the reason for the discharge and must be advised of the opportunity to request a post-discharge hearing to be provided by the district. Whenever a homeless person is being involuntarily discharged from a Tier II shelter, the person must be given a written notice of the reason for the discharge and must be advised of the opportunity to request a pre-discharge hearing. The pre-discharge hearing is provided by the district, or the shelter if the district designates the shelter to provide such hearing. If a Tier II shelter resident requests such a hearing, the resident has the right to remain in the Tier II shelter until a decision after the

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hearing has been issued by the district or by the shelter in those cases when the shelter has provided the hearing. If the resident loses the hearing, the shelter may discharge the resident but must notify the resident of the right to request a fair hearing from this Department in accordance with the provisions of Department regulation 18 NYCRR Part 358.

A transfer or discharge from a Part 1000 (for pregnant women) shelter is governed by Department regulation 18 NYCRR 1000.8.

Whenever a homeless person is transferred from any temporary housing accommodation to another, Department regulation 18 NYCRR 358-3.6(e) provides that timely notice generally is not required. As long as the shelter need is being met in some form, it is unnecessary to provide timely notice and prior hearing. However, each time a person is moved among temporary accommodations, adequate notice and an opportunity for a fair hearing to challenge the adequacy of the new accommodations must be provided for the person.

Timely and adequate notice, and an opportunity for a State fair hearing is required when the transfer to another temporary housing accommodation would result in a change in the PA grant provided directly to the family. For example, a person may be eligible for assistance only because of the high cost of the temporary housing and the need for a restaurant allowance. A transfer to less expensive temporary housing which has cooking facilities could result in such person's ineligibility for the restaurant allowance. In such a situation, unless the person signs a statement indicating that he/she no longer wants to receive PA or agrees to the reduction, a timely notice is required, because the amount of the grant to the recipient (i.e., restaurant allowance) is decreased. Whether or not the person signs such a statement, adequate notice and opportunity for a State fair hearing is required. "Aid to continue" in this situation refers to the grant amount and not the temporary housing placement.

Timely notice is required if a change in temporary housing will result in a change in FS benefits.

2. Additional Services for Homeless Persons

a. Protective Services for Adults

Each district should be aware that Protective Services for Adults (PSA) are available and should be provided to each homeless person eligible for

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such services pursuant to Article 9-B of the Social Services Law, Department regulation 18 NYCRR Part 457 and 90 ADM-40. Protective Services for Adults are mandated services which are provided by the district, without regard to an eligible person's income, in accordance with the provisions of Article 9-B of the Social Services Law and Department regulation 18 NYCRR Part 457. Protective Services for Adults are provided to a person who is at least 18 years of age and who, because of a mental or physical impairment:

- (1) is unable to meet essential needs for food, clothing, shelter or medical care, secure entitlements to which he/she is entitled or protect himself/herself from physical or mental injury, neglect, maltreatment or financial exploitation; and
- (2) is in need of protection from actual or threatened harm, neglect or hazardous conditions caused by the action or inaction of himself/herself or others; and
- (3) has no one available who is willing and able to assist him/her responsibly.

The services available under PSA include: assessing a person's services needs, including arranging for health and mental health evaluations; counseling for the client and/or his family; arranging alternative living arrangements, including emergency room and board for up to 30 days; assisting clients to obtain other needed services and benefits which are available from the district or other agencies; arranging for guardianship or other protective arrangements; acting as a guardian, representative or protective payee; and providing homemaker and housekeeper/chore services up to prescribed limits.

NOTE: While a district may petition the court for guardianship, it is the court that determines whether or not to appoint a guardian. Similarly, the Social Security Administration decides whether to appoint a representative payee and who to appoint.

Although a person in need of PSA has the right to refuse services, the district has a responsibility, nevertheless, to provide services in certain situations. Department regulation 18 NYCRR 457.6 provides, "When the district believes that there is a serious threat to an adult's well being and the

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adult is incapable of making decisions on his or her behalf because of mental impairments, the social services official has a responsibility to pursue appropriate legal interventions ... even though such intervention may be against the wishes of or without the knowledge of the adult at risk." Department regulation 18 NYCRR 457.6 also sets forth the specific legal interventions which may be used on behalf of certain involuntary PSA clients.

b. Family and Children's Services

A homeless person is responsible for meeting the needs of his or her child. A district must provide social services to an eligible homeless family when such services are necessary to protect the child from abuse or neglect, and/or to prevent the child from needing foster care. Additionally, a district must provide other supportive services for which a homeless family is eligible, when such services will aid in fostering the family's self-sufficiency or will soften the impact of the dislocation. A district also should provide services to an eligible family who is in danger of becoming homeless.

If a PA worker has reasonable cause to suspect a child is being abused or maltreated, the worker must make a report to the New York State Child Abuse and Maltreatment Register (SCR). A child may be considered maltreated if such child's physical, mental or emotional condition has been impaired, or is in imminent danger of becoming impaired as a result of the failure of the parent to exercise a minimum degree of care in certain matters. These matters include, among other things, failure to provide adequate food, clothing, shelter, education, or medical care when the parent(s) has the financial resources or is given other reasonable means to provide such necessities to the child. For further guidance, see Appendix C of the "Child Protective Services Program Manual".

A homeless family may have a child who is at risk of needing foster care, even though the child is not being abused or maltreated. In such a case, the PA worker should refer the family to the Division of Services for assessment of the family's need and eligibility for services, including preventive services to prevent foster care placement. The purpose of services provided by such Division is to prevent a child from needing foster care. Such services must be made available to a family which applies and is found eligible therefor.

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An additional aspect of preventive services that PA staff should be aware of is the Preventive Housing Services rent subsidy. This subsidy may be available to a family whose child is in foster care, if the primary factor preventing the discharge of the child from foster care is the family's lack of adequate permanent housing. The subsidy also may be available to assist the family in obtaining adequate permanent housing to prevent the child's need for foster care. The subsidy may not be used to provide housing for a family in a shelter, hotel, motel or other temporary housing.

A homeless family may not need child protective services or preventive services necessary to avoid placing a child in foster care. Nevertheless, the family may benefit from other social services. The district should have a mechanism for assessing such a family's social services needs. The assessment can be conducted by the PA worker or the Services worker. However, the actual provision of services for which the family is eligible should be provided by Services workers or through referrals and/or contracts with voluntary and other governmental agencies.

A family on the verge of becoming homeless should be targeted for intervention services. When a PA worker believes that a family is likely to become homeless because of the family's specific circumstances, the district should have a mechanism whereby PA can refer the family for services that may prevent the need to leave their residence. Services that could be employed include tenant advocacy, when landlords are refusing to make necessary safety repairs; mental health/counseling services, when explosive or non-cooperative parents are alienating landlords; emergency food and goods which might permit a family to pay the rent; information about referral programs in the family's neighborhood which may be able to provide advocacy and assistance.

3. Employment Issues of the Homeless

Homelessness, in and of itself, is not a ground for an employability exemption for either PA or FS purposes. A homeless PA and/or FS recipient is subject to the same kind of employability determination as any other recipient. Although homelessness does not automatically exempt a person from the usual employment requirements, homelessness does cause a disruption in ordinary daily activities. For this reason, each homeless person's

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situation must be evaluated carefully to determine if other factors exist which would exempt the homeless person from the usual requirements. For example, a transportation hardship may exist for employment purposes because of the location of the person's temporary housing.

A quick diversion to employment could alleviate the need for temporary housing assistance when the primary reason for homelessness is economic. However, the provision of any meaningful employment and training programs to a homeless person is especially difficult. The temporary and transitory nature of some housing placements, the need to concentrate on finding permanent housing and the isolation from other supportive services such as child care, complicate the delivery of employment and training programs. Therefore, a district must make special efforts to meet the employment and training needs of a homeless person. For example, a person assigned to the Public Works Program may require a flexible schedule so as to allow time to conduct a search for permanent housing.

4. Persons With AIDS or HIV-Related Illness Who Are Faced With Homelessness

Districts may provide additional money to house a person with AIDS or HIV-related illness who is in danger of becoming homeless. See 90 ADM-8 for further information.

G. Medical Assistance Implications

In general, an MA application submitted by a homeless person should be evaluated in the same manner as other applications. A homeless person's residence is generally the district in which the applicant is present at the time of application, unless placed by another district or currently in receipt of MA in another district. However, the question of residency should never be a barrier to the provision of medical care to a homeless person.

The following guidelines should be used with respect to a homeless person.

1. Emergency Care

An emergency for MA purposes is defined as "care rendered to patients with severe, life-threatening or potentially disabling conditions which require immediate intervention."

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Once MA eligibility is established, the district must use all reasonable means to assure that the applicant can receive services. When there is not an immediate need for medical services, the district must ensure that arrangements have been made to have a Common Benefit Identification Card (CBIC), or an MA Identification Card (MA ID) for New York City A/Rs, sent to the A/R. When the A/R needs verification of eligibility before the CBIC or MA ID card can be received, the district must assure that such verification is provided through either the issuance of a temporary authorization (DSS 2831A) or temporary (EMEVS) MA card or the district may telephone the provider to explain that eligibility has been determined and that the system is in the process of being updated to reflect eligibility.

The district has limited ability and responsibility to assure provision of medical services until an applicant's MA eligibility is established. While the district should make all attempts to conduct an interview as expeditiously as possible in cases of emergency and may use secondary sources of documentation to confirm eligibility, the district is not required to pay for medical services, even in cases of emergency, until eligibility is confirmed. As 86 ADM-7 directs, the district should refer each applicant who has a true medical emergency to a hospital emergency room. Hospitals are required to address the medical emergency.

NOTE: MA coverage is provided to illegal or undocumented aliens who require care or services as a result of emergency medical conditions and who are otherwise eligible. In these circumstances, the decision as to whether or not medical treatment is required due to an "emergency" must be made by a licensed physician. See 88 ADM-4 for procedures for documentation of emergencies and authorization of MA.

The "Medical Assistance-Only Cases" section of 86 ADM-7 "Meeting Immediate Needs of Applicants for Public Assistance" sets forth pertinent guidelines.

2. Public Shelters

Medical Assistance must be provided to a homeless person residing in a public shelter who applies and is determined eligible. To ensure that a homeless person receives his/her Common Benefits Issuance card, see 89 ADM-2, "Home Relief Cash Allowance for Persons in Public Shelters for Adults (Thrower v. Perales)" for a list of mailing address options.

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3. Pregnant Women

Each district was instructed in 90 ADM-9 "MA Eligibility: Perinatal Care/Presumptive Eligibility" to accept fiscal responsibility for each presumptively eligible homeless pregnant woman who states that she is living in the district.

4. SSI-Related Individuals

If an applicant is determined eligible as an MA-Only SSI-related individual, the district must follow the procedures described in 88 ADM-50 "Federal Changes Regarding FFP for MA-Only SSI-Related Individuals in Public Emergency Shelters ..." and 86 ADM-23 "MA-Only SSI-Related Eligibility Requirements for Temporary Residents of Public Emergency Shelters for the Homeless and Limited FFP for MA-Only Recipients in the Month(s) they Enter or Leave Public Institution".

5. EAF Recipients

The district should review the cases of homeless persons receiving assistance under EAF to determine if any such persons are eligible for MA. This action is necessary due to the changes cited in Section (V)(D)(6) of this administrative directive which require cases to be claimed as EAF, whenever possible. Unlike ADC, PG-ADC and HR, EAF recipients are not automatically eligible for MA. Homeless persons who are not eligible for MA and who have a medical emergency may be eligible for EAF to pay for medical services.

These policies should be applied when reviewing any MA application submitted by a homeless person. However, if it is subsequently determined that a homeless person is actually a resident of another district, the district of fiscal responsibility may change.

VI. SYSTEMS IMPLICATIONS

A. Upstate

For local and State management tracking purposes of homeless trends, it is important for workers to input accurate homeless indicator codes on screen 1. The homeless indicator codes should be maintained by adding and removing in a timely manner as circumstances change.

Procedures for budgeting PA and FS benefits for a homeless person are available on ABEL. The following Shelter Type codes may be used to correctly budget and uniquely identify various homeless living arrangements; all allow actual

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temporary housing costs in excess of the normal shelter maximum (except "23 - Undomiciled").

- 06 - Hotel/Motel Temporary
- 23 - Undomiciled
- 33 - Homeless Shelter Tier II (Less than 3 meals/day)
- 36 - Shelter for Homeless (Less than 3 meals/day) except those providing three meals per day:
- 19 - Tier II Family Shelter (3 meals/day)
- 21 - Shelter for Homeless (3 meals/day)

All these costs are budgeted with a basic allowance, home energy allowance, and supplemental home energy allowance except the following: a resident of a Tier II shelter which provides three meals per day (Code 19) - this resident receives a special needs allowance of \$63 per month, per person and a resident of a shelters for homeless (Code 21) who receives \$45 per month, per person personal needs allowance.

Whenever a district places a homeless person into temporary housing in another district, a manually calculated FS benefit will be required, with the results recorded on the PA/FS Bottom Line Budget Screen.

Several unique payment types also are available on WMS to authorize various payments to or on behalf of a homeless person.

Other specialized codes such as the "Shelter Proration Indicator" may be used on ABEL to facilitate proper budgeting of shared housing situations such as described for "Separate Public Assistance Households Living Together" on pages 19, 20 and 21. For complete budgeting details please refer to the ABEL Manual Section K. II. B.

When the district places a homeless person into temporary housing in another district, workers may use the Cross District Calculation function on ABEL to automatically calculate benefits using the new district's standards while retaining fiscal responsibility. (This eliminates the former need to manually calculate FS and use Bottom-Line Budgets.)

B. Downstate

Current NYC ABEL software contains the following homeless and temporary shelter codes:

- 06 - Hotel/Motel Temporary
- 23 - Undomiciled
- 33 - Homeless Shelter - Tier I or Tier II (Less than three meals per day)
- 34 - Homeless Shelter - Tier II (Three meals per day)
- 35 - Homeless Shelter - Non-Tier I or Non-Tier II

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For Shelter Types 06, 33 and 34, the actual shelter cost paid is entered in the PA Shelter Amount field. No entry should be made in the FS Shelter Amount field.

For Shelter Type 35, the worker should only enter an amount in the FS Shelter Amount field if the client is required to pay a portion of the shelter cost. No entry should be made in the PA Shelter Amount field.

For Shelter Type 23, no entry is made in either the FS or PA Shelter Amount fields.

ABEL includes input PA Shelter Amounts only in the determination of eligibility for Public Assistance for Shelter Types 23, 33, 34, 35 and non-restricted 06 situations. After determining that a household is eligible for Public Assistance, ABEL will not include the amount of PA shelter costs payable to the homeless facility in the calculation of PA benefits to be received by the PA household. The district should issue the shelter payment for these shelter situations via a single issue payment. If the shelter payment for Shelter Type 06 is restricted, the amount of shelter entered in the PA Shelter Amount field (capped at \$2,000.00 monthly) must be routed to the Income Support Center responsible for the PA case.

In some situations, income will exceed needs after passage of all PA Eligibility Tests. This occurs due to ABEL's exclusion of shelter from total needs in the calculation of PA benefits described above. ABEL will output a budget result which indicates the PA case is to receive a zero recurring benefit. The amount of income in excess of needs should be applied against the shelter cost paid to the facility. The zero issuance budget can be used to authorize PA and FS benefits. A Bottom Line budget is not required. The district should consult its procedures for instructions on processing these cases.

Restaurant allowance codes can be entered for Shelter Types 06, 23, 33 and 34 but not for 35.

VII. EFFECTIVE DATE

This Directive is effective December 29, 1994.

Michael J. Dowling
Commissioner

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
93 ADM-10	83 ADM-47	Part 351	131	PASB	Dear Comm.
91 ADM-43		Part 352	143-B	XIII-D-all	Letter
91 ADM-38		Part 358	Article 9-B	IX-F-1, X	8/15/83
90 ADM-40		Part 365		XIV-H-all,	Dear Comm.
90 ADM-19		Part 366		XV,	Letter
90 ADM-13		Part 370		XVI-all,	5/15/86
90 ADM-9		Part 372		XVII-all,	GIS Message
90 ADM-8		Part 381		XXIV-C-1,	87 IM/DC006
90 ADM-7		Part 397		XXIII-M-	87 IM/DC009
90 ADM-1		Part 457		all,	87 IM/DC023
89 ADM-13		Part 491		MARG	87 IM/DC025
89 ADM-2		Part 900		pp.392-399	92 IM/DC008
88 ADM-50		Part 1000		406-407	
88 ADM-41				FSSB	
88 ADM-4				V-A-4.1	
87 ADM-42				V-B-2.1	
86 ADM-23				V-B-2.2	
86 ADM-7				V-E-1.3	
83 ADM 52				VIII-H-all	
83 ADM-47				XI-C-5.4	
82 ADM-75				XVI-C-3	
				V-3.1	